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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,316	01/14/2004	Patrick Jonte	8271-31

CONFIRMATION NO. 3520

## FORMALITIES LETTER



\*OC000000012392591\*

Woodard, Emhardt, Moriarty, McNett & Henry LLP  
 Bank One Center/Tower  
 Suite 3700  
 111 Monument Circle  
 Indianapolis, IN 46204-5137

Date Mailed: 04/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

**Items Required To Avoid Processing Delays:**

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
- does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents

08/24/2004 FFANAI2 00000022 10757316

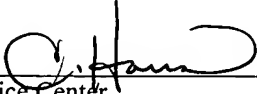
02 FC:1051

130.00 OP

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Alexandria VA 22313-1450

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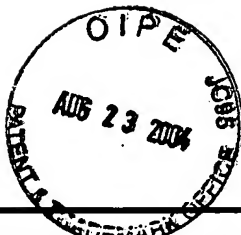
*A copy of this notice MUST be returned with the reply.*

A handwritten signature in black ink, appearing to be "C. Ham", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



WEMMH/SB/21 (4/03)

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/757.316
Filing Date	January 14, 2004
First Named Inventor	Jason A. McDANIEL
Group Art Unit	3753
Examiner Name	Not Yet Assigned
Attorney Docket Number	8271-31/115-3705-U

Total Number of Pages in this Submission

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached see PTO-2038 form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request- 2 months	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Additional Enclosure (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<b>Submission of Missing Parts of Appln; Copy of Notice to File Missing Parts (confirmation no. 3520)</b>
<input type="checkbox"/> Certified Copy of Priority Documents		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	James M. Durlacher Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>James M. Durlacher</i>
Date	August 19, 2004

## Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents; P. O. Box 1450, Alexandria, VA 22313-1450 on this date: **August 19, 2004**

Typed or printed name: James M. Durlacher, Reg. No. 28,840

Signature: *James M. Durlacher*

Date: August 19, 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL FOR FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

## Complete if Known

Application Number **10757,316**  
Filing Date **January 14, 2004**  
First Named Inventor **Jason A. McDANIEL**  
Group Art Unit **3753**  
Examiner Name  
Attorney Docket Number **8271-31/115-3705-u**

☐ Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment **(\$ 550.00)**

### METHOD OF PAYMENT

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

see PTO-2038 form

☐ Deposit Account:

Deposit Account Number

**23-3030**

Deposit Account Name

**Woodard, Emhardt, Moriarty, McNett & Henry LLP**

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility Filing Fee	
1002	340	2002	170	Design Filing Fee	
1003	530	2003	265	Plant Filing Fee	
1004	770	2004	385	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					<b>(\$ 0)</b>

#### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee From Below	Fee Paid
	-20** =	X <b>18</b>	=
Independent Claims	-3** =	X <b>86</b>	=
Multiple Dependent		<b>290</b>	= <b>0</b>

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$ 0)**

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	<b>130</b>
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	<b>420</b>
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$ 550)**

#### SUBMITTED BY

Name (Print/Type)

**James M. Durlacher**

Registration No.  
(Attorney/Agent)

**28,840**

Telephone

**(317) 634-3456**

Signature

*James M. Durlacher*

Date

**August 19, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.138(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



827,31.JMD.298622

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Jason A. McDANIEL, et al. ) Before the Examiner  
Serial No. 10/757,316 )  
Filed January 14, 2004 ) Group Art Unit 3753  
CAPACITIVE TOUCH ON/OFF ) August 19, 2004  
CONTROL FOR AN AUTOMATIC )  
RESIDENTIAL FAUCET )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450 Arlington, VA 22313-1450 on

August 19, 2004

(Date of Deposit)

James M. Durlacher

Name of Registered Representative

*James M. Durlacher*  
Signature

August 19, 2004

Date of Signature

SUBMISSION OF MISSING PARTS OF APPLICATION

**Mail Stop Missing Parts**

Commissioner for Patents

P. O. Box 1450

Arlington, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application received for the above application, Applicant submits herewith the executed Declaration and Power of Attorney. The fee of \$130 reflecting the large entity surcharge under 37 CFR §1.16(e) for filing a declaration later than the filing date should be charged to the American Express Account number shown on the enclosed form. Additionally, please provide any extensions of time which are required and charge any additional fees which are due to Deposit Account No. 23-3030.

Respectfully submitted,

By *James M. Durlacher*  
James M. Durlacher, Reg. No. 28,840  
Woodard, Emhardt, Moriarty,  
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111 Monument Circle, Suite 3700  
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